

### **Remarks**

Reconsideration of the present application is respectfully requested in view of the present amendment and remarks.

Claims 10-12, 14 and 15 have been rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent No. 5,773,768 to Nuyts, herein after “the '768 patent.” Applicant has amended claim 10 and asks that the Examiner reconsider the patentability of the outstanding claims in view of the following remarks.

The present claims relate to a weighing system for weighing a receptor/superstructure comprising at least one weighing element having two fastening ends and being connected with two fasteners respectively to the receptor/superstructure and to a framework/chassis, whereby one fastener is positioned in the connection between one fastening end of the weighing element and the framework/chassis while the other fastener is positioned in the connection between the other fastening end of the weighing element and the receptor/superstructure (emphasis added). The claims further describe the lifting cylinder of the invention as connecting one of the fastening ends of the weighing element and the associated fastener.

The present invention as described in claim 10 is not taught by the '768 patent. The '768 patent teaches a weighing device suited for weighing a load, or container. The lifting cylinder elements are hydraulic cylinders or jacks 13 which can lift the load to be weighed. The lifting cylinder is in contact with the load and does not connect the fastening end of the weighing element to the associated fastener, as described in claim 10 of the present invention. Also, there is no fastener connected to the receptor/superstructure in the '768 patent. Examiner has cited fastener 16 as connecting to the receptor/superstructure, but it actually connects a connecting element 9 to a supporting frame 12 (Col. 4, lines 1-9). The '768 patent teaches at least two weighing frames, as opposed to the present invention where there is only one necessary weighing frame, the receptor/superstructure.

Accordingly, Applicant respectfully submits that claim 10 is not anticipated by the '768 patent and is patentable under 35 U.S.C. § 102(b). Claims 11, 12, 14, and 15 are patentable for at least the same reasons as claim 10. Applicant therefore requests the withdrawal of the rejection under 35 U.S.C. § 102(b) of claims 10-12 and 14-15.

Claims 10-12, 14 and 15 have been rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent No. 5,174,404 to Nuyts, herein after “the ‘404 patent.” Applicant has amended claim 10 and asks that the Examiner reconsider the patentability of the outstanding claims in view of the following remarks.

The ‘404 patent does not teach the present invention. It does not describe a lifting cylinder that connects the fastening end of the weighing element and the associated fastener. In addition, the weighing element 9 is not connected to the framework/chassis and receptor/superstructure at two different connecting ends as described in the present invention. Rather, the connecting elements 13 are connected to the framework and loading frame 12.

Accordingly, Applicant respectfully submits that claim 10 is not anticipated by the ‘404 patent and is patentable under 35 U.S.C. § 102(b). Claims 11, 12, 14, and 15 are patentable for at least the same reasons as claim 10. Applicant therefore requests the withdrawal of the rejection under 35 U.S.C. § 102(b) of claims 10-12 and 14-15.

Claims 10-12 and 14-16 have been rejected under 35 U.S.C. § 102(b) as anticipated by US Patent No. 5,393,936, herein after “*Tyhy*.” Applicant has amended claim 10 and asks that the Examiner reconsider the patentability of the outstanding claims in view of the following remarks.

*Tyhy* does not teach the present invention. It does not describe a lifting cylinder that connects the fastening end of the weighing element and the associated fastener. In *Tyhy* the lifting cylinder 12 is a hydraulic jack that is disconnected from the weighing elements 11a and 11b (Figs. 2 and 4, Col. 5, lines 58-62).

Accordingly, Applicant respectfully submits that claim 10 is patentable over *Tyhy* under 35 U.S.C. § 102(b). Claims 11, 12, and 14-16 are patentable for at least the same reasons as claim 10. Applicant requests the withdrawal of the rejection under 35 U.S.C. § 102(b) of claims 10-12 and 14-16.

Claims 10-12 and 14-16 have been rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent No. 5,369,222 to Streliaff, herein after “*Streliaff*.” Applicant has amended claim 10 and asks that the Examiner reconsider the patentability of the outstanding claims in view of the following remarks.

*Streliaff* does not teach the present invention. *Streliaff* teaches a hydraulic cylinder 80 that does not connect the load cell 90 and its associated fastener. The claims of present invention involves a lifting cylinder that connects the fastening end of the weighing means and the associated fastener. *Streliaff* also teaches multiple weighing cells 35 to lift and measure the load. The present invention only requires one module, the lifting cylinder, which causes a direct force on the weighing element.

Accordingly, Applicant respectfully submits that claim 10 is patentable over *Streliaff* under 35 U.S.C. § 102(b). Claims 11, 12, and 14-16 are patentable for at least the same reasons as claim 10. Applicant requests the withdrawal of the rejection under 35 U.S.C. § 102(b) of claims 10-12 and 14-16.

Claims 10-12 and 14-16 have been rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent No. 5,789,714 to Doerksen, herein after “*Doerksen*.” Applicant has amended claim 10 and asks that the Examiner reconsider the patentability of the outstanding claims in view of the following remarks.

*Doerksen* does not teach the present invention. *Doerksen* teaches a weighing apparatus 18 that does not connect by fastener to the receptor/superstructure. Rather, the receptor is a plurality of rollers 24 not fastened to the weighing apparatus 18. In addition, the hydraulic

lifting assembly 12 does not connect the weighing apparatus 18 to the associated fastener, as described in claim 10 of the present invention.

Accordingly, Applicant respectfully submits that claim 10 is patentable over *Doerksen* under 35 U.S.C. § 102(b). Claims 11, 12, and 14-16 are patentable for at least the same reasons as claim 10. Applicant requests the withdrawal of the rejection under 35 U.S.C. § 102(b) of claims 10-12 and 14-16.

Claim 13 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Doerksen* in view of US Patent No. 3,545,558 to Maugh, herein after “*Maugh*.” As described above, *Doerksen* does not teach the invention of claim 10 of the present invention. As such, the combination of *Doerksen* and *Maugh* does not teach the limitations of claim 13.

Accordingly, Applicant submits that claim 13 is patentable over *Doerksen* in view of *Maugh* and requests the withdrawal of the rejection under 35 U.S.C. § 103(a) of claim 13.

Reconsideration and reexamination of the application is respectfully requested. Applicant has made a genuine effort to respond to each of the Examiner’s objections and rejections in advancing the prosecution of this case. Applicant believes that all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. If any additional issues need to be resolved, the Examiner is requested to telephone the undersigned at his convenience.

The Commissioner is hereby authorized to charge the one month extension of time and any fees or credit any overpayments as a result of the filing of this paper to Deposit Account No. 02-3978.

Respectfully submitted,

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